



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 1

1 CONGRESS STREET, SUITE 1100  
BOSTON, MASSACHUSETTS 02114-2023

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

October 6, 2006

Mr. David Casabetta, President  
Bridgeport United Recycling, Inc.  
50 Cross Street  
Bridgeport, CT 06610

RE: CERCLA Off-Site Rule: Notice of "Unacceptability" for  
Bridgeport United Recycling  
EPA ID Number CTD002593887

Dear Mr. Casabetta:

This letter is to notify you that the U.S. Environmental Protection Agency (EPA), Region 1 has determined that conditions may exist at Bridgeport United Recycling Inc., Bridgeport, CT (herein after Bridgeport United) which may render this facility "unacceptable" for the receipt of Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. § 9601, *et seq.*, off-site waste. The CERCLA Off-Site wastes to which this Notice of "Unacceptability" applies are defined as those wastes generated as a result of activities authorized pursuant to, or funded by, CERCLA. The receipt of these CERCLA wastes by facilities is regulated by the Off-Site Rule found at 40 C.F.R. § 300.440; and at 58 FR 182 pages 49200 - 49218, September 22, 1993.

This determination of "unacceptability" **will become effective sixty (60) calendar days** from the date on this notice if EPA finds that the relevant violations alleged in this notice are continuing. If this notice goes into effect, Bridgeport United will remain "unacceptable" until such time as EPA notifies the owner/operator otherwise.

On September 16, 2003, EPA and the Connecticut Department of Environmental Protection (CTDEP) conducted a Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6921, *et seq.*, compliance evaluation inspection (CEI) at Bridgeport United. The CEI included an evaluation of Bridgeport United's compliance with applicable RCRA air emission regulations. Violations discovered during the inspection were referred to the United States Department of Justice (DOJ) for the initiation of a federal civil action. By letter from DOJ to Bridgeport United dated May 18, 2005, Bridgeport United was notified of the referral and given the opportunity to enter pre-filing negotiations with the United States.

The relevant violations that form the basis for this Notice are outlined below:

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- Recordkeeping requirements of the RCRA Subpart CC Air Emission Standards for Tanks at 40 C.F.R. Section 265.1090.
- Closed-vent system and control device standards of the RCRA Subpart CC Air Emission Standards for Tanks at 40 C.F.R. Section 265.1088.

Such observations as described above demonstrate that conditions may exist at Bridgeport United which render this facility "unacceptable" for the receipt of off-site waste. Therefore, EPA must make the preliminary determination that Bridgeport United cannot receive such waste.

The Off-Site Rule provides the facility an opportunity to request an informal conference with responsible officials to discuss the basis for the facility's "unacceptable" determination under the rule. **The written request for an informal conference must be made within ten (10) calendar days from the date of this notice.** Upon receipt of a timely written request, EPA shall provide the opportunity for such conference no later than thirty (30) calendar days after the date of this notice, if possible. During the informal conference Bridgeport United may discuss with EPA the basis for the underlying violations, and their relevance to the facility's acceptability to receive CERCLA cleanup wastes.

Bridgeport United may submit written comments within thirty (30) days from the date of this notice in addition to, or in lieu of, requesting an informal conference. The failure to request an informal conference or submit written comments will result in no further consideration by EPA during the sixty (60) calendar days after the date of this notice. If Bridgeport United takes advantage of the opportunity to request an informal conference and/or submits written comments within the specified time frames to EPA for review by responsible officials, EPA will inform Bridgeport United of its decision after the informal conference and review of comments. Unless the information provided is sufficient to support an acceptable determination, the facility will become "unacceptable" on the 60th calendar day after issuance of the initial notice.

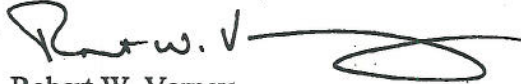
Within ten (10) calendar days of receipt of the notice from EPA that the supplemental information is insufficient to support an acceptable determination, Bridgeport United may request that the "unacceptable" determination be reconsidered by the Regional Administrator (RA) of EPA, Region 1. Reconsideration may be by review of records, by conference, or by other methods deemed appropriate by the RA. The reconsideration will be conducted within sixty (60) calendar days of the date of the initial notice, if possible, and does not automatically stay the "unacceptable" determination beyond the sixty (60) day period. The owner/operator will receive notice in writing of the decision of the RA.

In the event the "unacceptable" determination becomes effective, Bridgeport United may then be considered for acceptability whenever EPA finds that it has fulfilled the criteria stated in 40 C.F.R. § 300.440(b). Upon such a finding, EPA shall notify Bridgeport United in writing.



If you have any questions concerning this notice, please contact Mel Cheeks by telephone at (617) 918-1752 or by e-mail at [cheeks.mel@epa.gov](mailto:cheeks.mel@epa.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "R. W. Varney", followed by a long horizontal flourish.

Robert W. Varney  
Regional Administrator

Enclosure

cc: Pietro Mannino, RPM  
Region 2  
David Peterson, Esq., EPA  
Amelia Katzen, Esq., EPA